

**Montana Department  
of  
Fish, Wildlife & Parks**



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Ref:DV069.96  
July 28, 1995

TO: Environmental Quality Council, Capitol Building, Helena, 59620-1704  
Department of Health & Environmental Sciences, Director's Office, Room C108,  
Cogswell Bldg., Helena, 59620-0901  
Montana Fish, Wildlife & Parks

Director's Office  
Wildlife Division  
Legal Unit

Lands Section  
Regional Supervisor

Montana Historical Society, State Historic Preservation Office, 225 North Roberts,  
Veteran's Memorial Building, Helena, 59620-1201

Montana State Library, 1515 East Sixth Avenue, Helena, 59620-1800

Jim Jensen, Montana Environmental Information Center, PO Box 1184, Helena,  
59624

George Ochenski, PO Box 689, Helena, 59624

Montana Department of Livestock, Game Farm Applications, 301 Roberts, Helena  
59620

Herb Johnson, 63 Hawthorne Ave., Apt. 2, Kalispell, 59901

Lincoln County Commissioners, Lincoln County Courthouse, Libby, 59923

Ladies and Gentlemen:

The enclosed Environmental Assessment (EA) has been prepared for Hershy's Fur Farm, and is submitted for your consideration. Questions and comments will be accepted until August 11, 1995. Please direct you questions or comments to Wildlife Biologist Jerry Brown, 4777 Bobtail Road, Libby, MT 59923, (406) 293-7905.

Sincerely,

*Dan Vincent*  
Dan Vincent  
Regional Supervisor

/nb  
Enclosure

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[Hershey's Fur Farm draft environmental



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# DRAFT

## EA Checklist For Fur Farm License Applications

### PART I. FUR FARM LICENSE APPLICATION

The department's authority to regulate fur farms is contained in sections 87-4-1001 through 87-4-1014, MCA and ARM 12.6.1701 through 12.6.1704 (Appendix A).

1. Name of Project: Hersh's Fur Farm
2. Name, Address and Phone Number of Applicant: James Hershberger, P. O. Box 6, Rexford, MT 59930 (406) 889-3043
3. If Applicable:

Estimated Construction/Commencement Date: Underway

Estimated Completion Date: Summer, 1995

Is this an application for expansion of existing facility or is a future expansion contemplated? No

4. Location Affected by Proposed Action (county, range and township)  
Lincoln, 37N, 28W, Sec 26
5. Project Size: Estimate the number of acres that would be directly affected that are currently: Cages in 100' x 50' enclosure or .1 acre
  - (a) Developed:  
Residential.....    acres  
Industrial.....    acres
  - (b) Open Space/Woodlands/  
Areas..... 20 acres  
1 Single family dwelling
  - (c) Wetlands/Riparian  
Areas.....    acres
  - (d) Floodplain.....    acres
  - (e) Productive:  
Irrigated cropland...    acres  
Dry cropland.....    acres  
Forestry.....    acres  
Rangeland.....    acres
  - (f) Other.....    acres
6. Map/site plan: See Appendix B.
7. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.

Applicant intends to support up to 30 lynx/bobcat breeders for purpose of raising litters for pet sale and pelting.

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

Agency Name: \_\_\_\_\_ Permit: \_\_\_\_\_ Date Filed/#: \_\_\_\_\_

N/A

(b) Funding:

Agency Name: \_\_\_\_\_ Funding Amount: \_\_\_\_\_

N/A

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name: \_\_\_\_\_ Type of Responsibility: \_\_\_\_\_

N/A

9. List of Agencies Consulted During Preparation of the EA:

None - no other government agencies have regulatory authority over fur farm projects developed on designated agricultural/range/timberlands areas in the county.

## PART II. ENVIRONMENTAL REVIEW

A. Evaluation of the Impacts of the Proposed Action Including Secondary and Cumulative Impacts on the Physical and Human Environment:

### PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACTS				Can Impacts Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant *		
a. Soil instability or changes in geologic substructure?		x				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		x				
c. Destruction, covering or modification of any unique geologic or physical features?		x				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		x				
e. Other: __						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

### PHYSICAL ENVIRONMENT

2. <u>AIR</u> Will the proposed action result in:	IMPACTS				Can Impacts Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant *		
a. Emission of air pollutants or deterioration of ambient air quality?		x				
b. Creation of objectionable odors?		x				
c. Other: __						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

**PHYSICAL ENVIRONMENT** (continued)

3. <u>WATER</u> Will the proposed action result in:	IMPACTS				Can Impacts Be Mitigated *	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
e. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen, turbidity or pathogens?		x				
b. Changes in drainage patterns or the rate and amount of surface runoff?		x				
c. Alteration of the course or magnitude of flood water or other flows?		x				
d. Changes in the amount of surface water in any water body or creation of a new water body?		x				
e. Exposure of people or property to water related hazards such as flooding?		x				
f. Changes in the quality of groundwater?		x				
g. Changes in the quantity of groundwater?		x				
h. Increase in the risk of contamination of surface or groundwater?		x				
i. Violation of the Montana Non Degredation Statute?		x				
j. Effects on any existing water right or reservation?		x				
k. Effects on other water users as a result of any alteration in surface or groundwater quality?		x				
l. Effects on other users as a result of any alteration in surface or groundwater quantity?		x				
m. Other: _						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

**PHYSICAL ENVIRONMENT** (continued)

4. <u>VEGETATION</u> Will the proposed action result in:	IMPACT				Can Impacts Be Mitigated *	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
e. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		x				
b. Alteration of a plant community?		x				
c. Adverse effects on any unique, rare, threatened, or endangered plant species?		x				
d. Reduction in acreage or productivity of any agricultural land?		x				
e. Establishment or spread of noxious weeds?		x				
f. Other: _						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation Resources (Attach additional pages of narrative if needed):

**PHYSICAL ENVIRONMENT** (continued)

5. <u>FISH/WILDLIFE</u>	POTENTIAL FOR OCCURRENCE				Can Potential Be Reduced? *	Comment Index
	Unknown *	Minimal *	Significant Moderate *	Significant High *		
A. Based on design of the proposed game farm, and physical attributes and wildlife values of the site, what is the potential for any of the following to occur?						
a. Through-the-fence contact between game farm animals and wildlife (consider traditional seasonal habitat use and location of travel routes and migration corridors).		x				5.A.a-k
b. Escape of game farm animals - consider site-specific factors that could reduce effectiveness of perimeter fences built to standards outlined in Rule 12.6.1503A (including steepness of terrain, winter snow depths/drifts, susceptibility of fences to flood damage, etc.).		x				
c. Ingress of wildlife - consider site-specific factors that could reduce effectiveness of perimeter fences (see b.) built to standards outlined in Rule 12.6.1503A, as well as circumstances that could attract wildlife to or into the game farm (traditional seasonal habitat use and location of travel routes and migration corridors).		x				
d. Deterioration of critical wildlife habitat (capability to produce or sustain wildlife populations).		x				
e. Displacement of wildlife from critical habitat(s) as a result of proposed fences or other factors.		x				
f. Creation of barriers to travel routes or seasonal migration corridors used by wildlife populations.		x				
g. Other conditions that may stress wildlife populations, affecting their diversity, abundance or distribution.		x				
h. Changes in the diversity, abundance or distribution of game populations (include redistribution of wildlife from habitats that would be rendered unsuitable or inaccessible because of fencing or other factors).		x				
i. Changes in the diversity, abundance or distribution of nongame populations (include redistribution of wildlife from habitats that would be rendered unsuitable or inaccessible because of fencing or other factors).		x				
j. Adverse effects on any unique, rare, threatened or endangered species, or their habitats.		x				
k. Introduction of any species not presently or historically occurring in the affected area.		x				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish/Wildlife Resources (Attach additional pages of narrative if needed):

5.A.a-k Game farm stock (bobcat & lynx) will be enclosed in individual cages (25-30), all of which will be housed within a 5 ft high woven wire exterior fence. Ingress of wild ungulates or domestic livestock will be eliminated by the 5 ft high woven wire perimeter fence. However, such a perimeter fence would not be sufficiently high enough to prevent egress of game farm bobcat or lynx should one escape from an interior cage, nor would it prevent ingress of wild bobcat or lynx. Project area is not considered lynx habitat and only marginal bobcat habitat.



**PHYSICAL ENVIRONMENT** (Continued)

5. <b>FISH/WILDLIFE</b> (Continued)	IMPACT				Can Impacts Be Mitigated?*	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
<b>B. What degree of impact would any of the following (a.-f.) have on wildlife populations associated with the site? For items (a.-f.) that would result in impacts, provide a narrative that describes potential consequences.</b>						
a. Introduction end/or transmission of diseases or peresites to wildlife populations associated with the site.		x				
b. Establishment of feral population(s) of escaped game farm animals.		x				
c. Habitat degradation or competition as a result of feral populations or exclusion of wildlife populations from traditional seasonal habitat (including migration corridors).		x				
d. Hybridization/ genetic pollution of wildlife populations associated with the site.		x				5.B.d.
e. Displacement and/or redistribution of wildlife populations from traditional seasonal habitat (including migration corridors).		x				
f. Other: __						
<b>C. Species potentially significantly impacted: For each wildlife species (or group of species) that would be potentially significantly impacted, state the factor(s) to which the impact(s) are attributed and address the following:</b>						
a. Estimated size of affected wildlife population(s).		x				
b. Year-round distribution of effected wildlife population(s).		x				
c. Characterization of wildlife use (year-round v. seasonel) of the eree to be impacted, including reference to any special habitat features.		x				
d. Proportion (%) of the total habitat aree that is currently used, that will be enclosed or otherwise impacted.		x				
e. Other: __						

5.B.d. Bobcat and lynx inhabit the general area surrounding the proposed farm; however, the proposed site does not constitute good habitat for either species. The chence of escape and survival of fur farm stock into the wild is remote. Fur farm stock receive regular vaccination against feline diseases. The likelihood of disease transmission to wild individuals is remote.

**HUMAN ENVIRONMENT**

6. <b>NOISE EFFECTS</b>	IMPACT				Can Impacts Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
<b>Will the proposed action result in:</b>						
a. Increases in existing noise levels?		x				
b. Exposure of people to severe or nuisance noise levels?		x				
c. Other: __						

Narrative Description end Evaluation of the Cumulative end Secondary Effects on Noise/Electrical Effects (Attach additional pages of narrative if need-)

\*Include an attachment with a narrative explanation describing the scope end level of impact. If the impact is unknown, explain why the unknown impact hes not or can not be evaluated.



# HUMAN ENVIRONMENT (continued)

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT				Can Impacts Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		x				
b. Conflict with a designated wildlife management area, natural area or area of unusual scientific or educational importance?		x				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		x				
d. Conflict with any existing land use that would be adversely affected by the proposed action.		x				
e. Adverse effects on or relocation of residences?		x				
f. Other: _						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (Attach additional pages of narrative if needed):

# HUMAN ENVIRONMENT (continued)

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT				Can Impacts Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
a. Risk of dispersal of hazardous substances (including, but not limited to chemicals or pathogens) in the event of an accident or other form of disruption?		x				
b. Creation of any hazard or potential hazard to domestic livestock?		x				
c. Creation of any human health hazard or potential hazard?		x				
d. Creation of any safety hazard to nearby dwellings, residents or recreationists as a result of firearms discharge on the premises of the proposed game farm?		x				
e. Other: _						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (Attach additional pages of narrative if needed):

# HUMAN ENVIRONMENT (continued)

9. <u>COMMUNITY IMPACTS</u>	IMPACT				Can Impacts Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
Will the proposed action result in:						
e. Alteration of the location, distribution, density, or growth rate of the human population of an area?		x				
b. Alteration of the social structure of a community?		x				
c. Alteration of the level or distribution of employment or community or personal income?		x				
d. Changes in industrial or commercial activity?		x				
e. Changes in historic or traditional recreational use of an area?		x				
f. Changes in existing public benefits provided by effected wildlife populations and wildlife habitats (educational, cultural or historic)?		x				
g. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		x				
h. Other: __						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impacts (Attach additional pages of narrative if needed):

# HUMAN ENVIRONMENT (continued)

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>	IMPACT				Can Impacts Be Mitigated	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
Will the proposed action:						
a. Have an effect upon or result in a need for new or altered services provided by FWP and Dept. of Livestock to accomplish regulation of the game farm industry (inspections, animal counts, disease testing and monitoring, tattoo inspections, etc.)			x			10.e.
b. Have an effect upon the local or state tax base and revenues?		x				
c. Result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		x				
d. Other: __						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (Attach additional pages of narrative if needed):

10.a. Fur farm will require periodic inspections by local Fish, Wildlife & Parks warden.

**HUMAN ENVIRONMENT** (continued)

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT				Can Impacts Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant *		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or affect that is open to public view?		x				
b. Alteration of the aesthetic character of a community or neighborhood?		x				
c. Changes in the quality or quantity of recreational opportunities and settings?		x				
d. Other: _						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (Attach additional pages of narrative if needed):

**HUMAN ENVIRONMENT** (continued)

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT				Can Impacts Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant *		
a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?		x				
b. Physical change that would affect unique cultural or historic values?		x				
c. Effects on existing religious or sacred uses of a site or area?		x				
d. Other: _						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

**SIGNIFICANCE CRITERIA**

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT				Can Impacts Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant*		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		x				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		x				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		x				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		x				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		x				
f. Other: _____						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

## PART II. ENVIRONMENTAL REVIEW (Continued)

1. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

Alternative 1 Grant permit.

Alternative 2 No action - Deny permit.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

3. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

EA is appropriate because the proposed project will have no or minimal impact on the natural or human environment.

4. Describe the level of public involvement for this project, if any, and , given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

No public involvement.

5. Duration of comment period, if any:

None, no comment period.

6. Name, title, address, and phone number of the person(s) responsible for preparing the EA:

Wildlife Biologist Jerry Brown  
4777 Bobtail Road  
Libby, MT 59923  
(406) 293-7905

Game Warden Jim Roberts  
75 Pings Road  
Eureka, MT 59923  
(406) 889-3404

## PART III. NARRATIVE EVALUATION AND COMMENT

The proposed site for the Hershey's Fur Farm is located on the West Kootenai Bench. This area is rural with cattle grazing, logging, sawmill operation, and other agricultural activities being the dominant land uses. Few other houses are within the immediate vicinity or in close proximity to the proposed fur farm. The specific site location is on a dry bench, no surface water in the form of ponds, lakes, or streams are present at the proposed improvement site. We would request that cages and pens be 150 ft from the well. There appear to be no environmental or social issues that would preclude issuing the required permit.

## PART IV. EA CONCLUSION SECTION

The proposed action will have no adverse impacts on either the natural or the human environment. Alternative 1 should be accepted and the Fur Farm Permit issued.

## LITERATURE CITED

REF:HERSHY'S.EA

July 28, 1995

(3) Upon failure of the licensee to correct the violation, the department may institute revocation proceedings. If the department institutes revocation proceedings, it shall provide reasonable notice and opportunity for a hearing to the licensee. After hearing, upon proof of violation, the department may revoke the game bird farm license.

History: En. Sec. 35, Ch. 570, L. 1983.

## Part 10 Fur Farms

87-4-1001. Definition. For purposes of this part, the following definitions apply:

(1) "Furbearer" means a marten or sable, otter, muskrat, fisher, bobcat, lynx, wolverine, or beaver. The term does not include fox or mink.

(2) "Fur farm" means the enclosed land area upon which furbearers may be kept for purposes of obtaining, rearing in captivity, keeping, and selling furbearers or parts of furbearers as authorized under this part.

History: En. Sec. 36, Ch. 570, L. 1983.

87-4-1002. Fur farm license required — applicability. (1) Except as provided in subsection (2), no person may own, control, or propagate furbearers unless he holds a current fur farm license from the department.

(2) This part does not apply to the ownership, control, or propagation of furbearers if the ownership, control, or propagation is not for the sale or conveyance of furbearers or parts thereof.

History: En. Sec. 37, Ch. 570, L. 1983.

87-4-1003. Application for license. (1) Any person desiring to obtain a fur farm license shall make a written application to the department. The application must specify:

- (a) the name of the applicant;
- (b) his address;
- (c) species of furbearers and any plan to propagate them;
- (d) the legal description of the lands to be included;
- (e) the type of fence that the applicant contemplates erecting;
- (f) the source of furbearers.

(2) (a) A fur farm license shall be issued only to a responsible applicant who owns or leases the premises on which the operations are to be conducted and who has properly fenced the place where such fur farm is to be located.

(b) Any fur farm owned by a nonresident must have a resident agent who is responsible for the daily operation of the fur farm and who is authorized by the nonresident owner to receive service of process.

(3) Within 30 days of receiving the application, the department shall notify the applicant of its decision to approve or deny the application. If required fencing has not been completed, the department shall approve the application subject to the fencing being completed. If the application is denied, the department shall specify the reasons for denial.

History: En. Sec. 38, Ch. 570, L. 1983.

87-4-1004. License and renewal fee — deposit. (1) Fur farm license and annual renewal fees must be set by department rule.



(2) The fees must be deposited in the state special revenue fund for the use of the department for purposes of this part.

History: En. Sec. 39, Ch. 570, L. 1983; amd. Sec. 48, Ch. 281, L. 1983.

**87-4-1005. Term of license — conditions — changes in operation.**  
(1) A fur farm license is valid only for the license year in which it is issued. The licensee shall apply for renewal annually, and the department shall renew the license if the licensee has not violated any provision under which it was granted.

(2) The licensee shall notify the department of any proposed changes in the species managed or in the size or location of the enclosure prior to the institution of such change.

History: En. Sec. 40, Ch. 570, L. 1983.

**87-4-1006. License nontransferable.** A fur farm license is nontransferable.

History: En. Sec. 41, Ch. 570, L. 1983.

**87-4-1007. Inspection.** Upon receipt of an application for a license, the department shall inspect each fur farm and thereafter shall inspect each fur farm and the records required to be kept by such fur farm on a scheduled basis or on such other reasonable basis as may be determined necessary.

History: En. Sec. 42, Ch. 570, L. 1983.

**87-4-1008. Furbearers as private property.** All furbearers lawfully raised on a licensed fur farm are the private property of the licensee, and the licensee may sell or transfer such furbearers as private property.

History: En. Sec. 43, Ch. 570, L. 1983.

**87-4-1009. Transportation of furbearers.** Any furbearers purchased for use on a fur farm or any furbearers raised on a fur farm may be transported only in compliance with Title 81, chapter 2, part 7, and applicable administrative rules.

History: En. Sec. 44, Ch. 570, L. 1983.

**87-4-1010. Sale of furs.** A fur farm owner who desires to sell furs shall comply with all the requirements of part 3 of this chapter.

History: En. Sec. 45, Ch. 570, L. 1983.

**87-4-1011. Records and reporting.** (1) Each licensee shall keep accurate records of the number and species of furbearers purchased, transferred, or sold and the name of each person to whom or from whom such furbearers were purchased, transferred, or sold.

(2) On or before January 31 of each year, each licensee shall file a report with the director, showing the number and species of furbearers on hand on January 1 and the number and species of furbearers purchased, transferred, or sold during the past year. All records described in this section must be kept for not less than 3 years.

History: En. Sec. 46, Ch. 570, L. 1983.

**87-4-1012. Rulemaking.** The department may adopt and enforce only such rules as are necessary to implement this part. The rules may address but are not limited to fencing requirements, reporting requirements, the care and maintenance of the furbearers held by fur farm operators, and licensing requirements for applicants.

History: En. Sec. 47, Ch. 570, L. 1983.

**87-4-1013. Revocation of license.** (1) A fur farm license may be revoked for failure to operate the fur farm according to the provisions of this part or rules adopted under this part.

(2) Upon discovery of a violation, the department shall give notice of such violation to the licensee, with a statement of a specific time by which the violation must be corrected.

(3) Upon failure of the licensee to correct the violation, the department may institute revocation proceedings. If the department institutes revocation proceedings, it shall provide reasonable notice and opportunity for a hearing to the licensee. After hearing, upon proof of violation, the department may revoke the fur farm license.

History: En. Sec. 48, Ch. 570, L. 1983.

**87-4-1014. Unlawful capture.** No person may capture, take, or otherwise acquire a furbearer from the wild for use on a fur farm.

History: En. Sec. 1, Ch. 355, L. 1987.

## CHAPTER 5

### WILDLIFE PROTECTION

#### Part 1 — Nongame and Endangered Species

- 87-5-101. Short title.
- 87-5-102. Definitions.
- 87-5-103. Legislative policy.
- 87-5-104. Investigations by department.
- 87-5-105. Regulations to manage nongame wildlife.
- 87-5-106. Unlawful acts.
- 87-5-107. List of endangered species.
- 87-5-108. Establishment of programs.
- 87-5-109. Taking of species for educational, scientific, or other purposes.
- 87-5-110. Department to issue regulations.
- 87-5-111. Enforcement and penalty.
- 87-5-112. Construction.
- 87-5-113 through 87-5-120 reserved.
- 87-5-121. Nongame wildlife account.
- 87-5-122. Duties of commission.
- 87-5-123. Repealed.

#### Part 2 — Wild Birds—Regulation of Raptors

- 87-5-201. Protection of wild birds and their nests and eggs.
- 87-5-202. Definition of raptors.
- 87-5-203. Regulation of raptors.
- 87-5-204. License and rules for falconry and raptors.
- 87-5-205. Restrictions on species allowed for falconry.
- 87-5-206. Repealed.
- 87-5-207. Restrictions on use of raptors.
- 87-5-208. Nonresidents allowed raptors in state.
- 87-5-209. Destruction of eagles or predatory hawks and owls.
- 87-5-210. Captive breeding of raptors — permit — transfer and revocation — rules.

#### Part 3 — Grizzly Bear

- 87-5-301. Policy toward grizzly bear.

# ENFORCEMENT

12.6.1703

## Sub-Chapter 17

### Fur Farms

#### 12.6.1701 APPLICATION FOR AND RENEWAL OF FUR FARM LICENSE

(1) Application for a fur farm license shall be made in writing on a form prescribed by the department of fish, wildlife, and parks.

(2) The applicant shall include a \$25 license fee with the initial application.

(3) A fur farm license may be renewed prior to January 31 upon payment of a fee of \$15.

(4) All fur farm licenses expire on January 31 following the date of issuance.

(5) A fur farm operator whose license has expired for more than 1 year will be considered a new applicant and pay the \$25 initial application fee accompanied by an initial application form.

(6) The department may not renew a fur farm license until the licensee has submitted the report described by section 87-4-1011, MCA.

(7) If a person is issued more than one license under sections 87-4-406 - 87-4-423, sections 87-4-901 - 87-4-916, and sections 87-4-1001 - 87-4-1013, MCA, the total assessment for initial fees or for renewal fees for all licenses issued to such person may not exceed the amount of the largest individual license fee.

(8) No initial license fee shall be assessed against any person who held a fur farm license on October 1, 1983, unless there is a break in licensing of more than 1 year. (History: Sec. 87-4-1012 MCA; IMP, Sec. 87-4-1003 MCA; NEW, 1984 MAR p. 249, Eff. 1/27/84.)

12.6.1702 PURCHASE AND SALE OF FURBEARERS (1) Live furbearers may be sold only by the holder of a valid fur farm license.

(2) No person may purchase live furbearers from within the state except from the holder of a current fur farm license. This rule does not prohibit the purchase of live furbearers from outside the state. (History: Sec. 87-4-1012 MCA; IME, Sec. 87-4-1003 MCA; NEW, 1984 MAR p. 249, Eff. 1/27/84.)

12.6.1703 FENCING (1) The licensee shall fence or enclose his operation sufficiently to prevent the entry of wild furbearers and to prevent the escape of fur farm animals into the wild. The department, upon request, will provide guidelines to applicants for the construction of minimally adequate facilities.

12.6.1704

FISH, WILDLIFE, AND PARKS

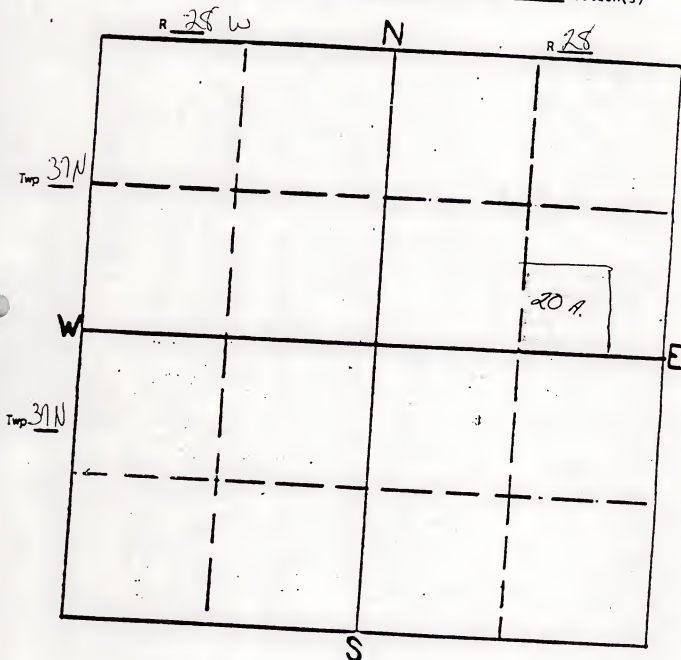
(2) The fencing enclosures of all fur farm operations licensed on October 1, 1983, are deemed for compliance with this rule. (History: Sec. 87-4-1012 MCA; IMP, Sec. 87-4-1003 MCA; NEW, 1984 MAR p. 249, Eff. 1/27/84.)

12.6.1704 REPORTING (1) Reports required by section 87-4-1011, MCA, shall be filed on forms provided by the department. (History: Sec. 87-4-1012 MCA; IME, Sec. 87-4-1003 MCA; NEW, 1984 MAR p. 249, Eff. 1/27/84.)



Scale 1" = \_\_\_\_\_

Large square represents Sec 26 section(s)



20 A IS OWNED BY RAYMOND WOODARD

Draw in location of game farm to scale on lands owned or leased by applicant. Fill in legal subdivision, Section number, Township and Range.

Give exact acreage contained within pen.

PEN IS 50' BY 100'

